

## *REMARKS*

Applicants thank the Examiner for the very thorough consideration given the present application.

Claims 1-15 are now present in this application. Claims 1, 2, 7 and 13-15 are independent.

Claims 1, 2, 7, 13, 14 and 15 have been amended. Reconsideration of this application, as amended, is respectfully requested.

### *I. Priority Under 35 U.S.C. § 119*

Applicants thank the Examiner for acknowledging Applicants' claim for foreign priority under 35 U.S.C. § 119, and receipt of the certified priority document.

### *II. Information Disclosure Citation*

Applicants thank the Examiner for considering the references supplied with the Information Disclosure Statement filed on July 1, 2004, and for providing Applicants with an initialed copy of the PTO-1449 form filed therewith.

### *III. Objection to the Drawings*

The Examiner has objected to the drawings because Figures 1 and 2 are not properly labeled as prior art. This objection is respectfully traversed.

In order to overcome this objection, Applicants are providing a replacement sheet wherein Figures 1 and 2 are labeled "Prior Art." Accordingly, reconsideration and withdrawal of this objection are respectfully requested.

### *IV. Rejections under 35 U.S.C. § 103*

Claims 1 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ehrnsberger et al. in view of Cho et al. This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicants respectfully submit that independent claims 1 and 13 have been amended to recite combinations of elements in a damping member including magnetic pairs which provide a repulsive electromagnetic damping force when a displacement of a relative movement of the cylinder and the rod is less than a preset length, and a frictional member which provides a frictional damping force when the

displacement of the relative movement is more than the preset length. Applicants respectfully submit that the combinations of elements as set forth in independent claims 1 and 13 are not disclosed or made obvious by the prior art of record, including Ehrnsberger et al. in view of Cho et al.

The Examiner states that Ehrnsberger et al. shows a combination damper which utilizes a spring force and a friction force, but lacks a magnetic damping force. The Examiner turns to Cho et al. for a teaching of a damper utilizing a magnetic damping force, and states that it would be obvious to utilize the electromagnetic damping means of Cho et al. in the damper of Ehrnsberger et al. (in place of the spring damper).

Applicants respectfully submit that Cho et al. show an axial damper (See Fig.4) which utilizes “magnetic bodies 120 in the form of plates 122” on the moving member, and “non-magnetic, electrically conductive plates 116” on the stationary member, wherein “the magnetic plates 122 are utilized to induce currents in the conductive plates 116” to provide a magnetic damping force. (See col. 4, line 55 – col. 5, line 21). These induced currents (eddy currents) are necessary for monitoring and actively controlling the damping characteristics of the damper. (See col. 4, lines 21-48). This allows Cho et al. to achieve one of the objects of the invention, which is to produce a damper which will permit “adjustment of the energy absorption characteristic while the device is in

operation". (See col. 1, lines 45-47).

There is no teaching in Cho et al. of providing a damping member including magnetic pairs which provide a repulsive electromagnetic damping force. In addition, it would not be obvious to one of ordinary skill in the art to modify Cho et al. to utilize magnetic pairs which provide a repulsive electromagnetic damping force, instead of the induced current damping arrangement, since doing so would not permit Cho et al. to achieve the objects of the invention discussed above, and would destroy the teachings of Cho et al.

Applicants respectfully submit that the combination of elements as set forth in independent claims 1 and 13 are not disclosed or made obvious by the prior art of record, including Ehrnsberger et al. in view of Cho et al., for the reasons explained above. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

#### *V. Allowable Subject Matter*

The Examiner states that claims 2-12, 14 and 15 would be allowable if rewritten in independent form.

Applicants thank the Examiner for the early indication of allowable subject matter in this application. Objected-to claims 2, 7, 14 and 15 have been rewritten into independent form, and should therefore be allowed. Also, claims 3-

6 and 8-12 depend, either directly or indirectly, from independent claims 2 and 7, and are therefore allowable based on their dependence from claims 2 and 7 which are believed to be allowable.

*VI. Conclusion*

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone James T. Eller, Jr., Registration No. 39,538, at (703) 205-8000, in the Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.

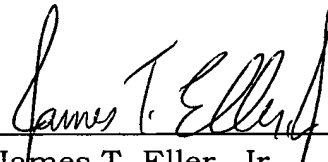
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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachment(s): Replacement Drawing Sheet

*Amendments to the Drawings*

The attached sheet of drawings includes changes to Figs. 1 and 2. This sheet replaces the original sheet including those same Figures.

Figs. 1 and 2 have been labeled "Prior Art".